

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Zaihui Zhang et al.
Application No. : 10/521,948
Filed : January 23, 2006
For : PYRAZOLYLBENZOTHAZOLE DERIVATIVES AND THEIR USE
AS THERAPEUTIC AGENTS

Examiner : Laura Lynne Stockton
Art Unit : 1626
Docket No. : 540057.418USPC
Date : August 22, 2008

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner for Patents:

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Restriction Requirement dated July 22, 2008.

As the result of the Supplemental Preliminary Amendment filed July 10, 2006, Claims 1-24, 27, 29-31, 34-37, 39-52 and 77-89 are pending. The Examiner contends that the pending claims contain the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1, and has therefore required that the Applicants elect one of the following groups for examination:

- Group I Claim(s) 1-24, 27, 29, 77-82, drawn to products of formula (I).
- Group II Claim(s) 30, 31, 34-37, 39-52, drawn to methods of using products of formula (I).
- Group III Claim(s) 83-85, drawn to products of formula (3) wherein X is S.
- Group IV Claim(s) 83-85, drawn to products of formula (3) wherein X is O.
- Group V Claim(s) 83-85, drawn to products of formula (3) wherein X is NR⁹.
- Group VI Claim(s) 86-89, drawn to methods of using products of formula (3) wherein X is S.

Group VII Claim(s) 86-89, drawn to methods of using products of formula (3)
 wherein X is O.

Group VIII Claim(s) 86-89, drawn to methods of using products of formula (3)
 wherein X is NR⁹.

In making this restriction requirement, the Examiner contends that the claimed compounds contain a pyrazole ring that is attached to a 5-membered nitrogen-containing ring that is fused to a 6-membered ring, which does not define a contribution over the prior art, as exemplified in the cited Chemical Abstracts (CA 129:67759). Accordingly, an election of one of the above groups for examination and a listing of the claims reading on the elected invention is required.

Applicants elect Group I *with traverse* for reasons set forth below. Claims 1-24, 27, 29 and 77-82 read on the subject matter of Group I.

Applicants make this election with traverse because the Examiner has incorrectly designated the products of the invention as products of "formula (I)" instead of products of "formula (1)". Correction of this designation in writing is respectfully requested for the record.

In making the election, Applicants reserve their right to file separate divisionals on any non-elected subject matter and to request rejoiner of Group II upon allowance of a generic claim in Group I (provided that the claims of Group II are amended during the prosecution to be of the same scope as the allowed generic claim of Group I).

Favorable consideration of the elected subject matter and issuance of an early Notice of Allowance are earnestly solicited.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

Zaihui Zhang et al.

SEED Intellectual Property Law Group PLLC

_____/Carol J. Roth/

Carol J. Roth

Registration No. 32,783

CJR:cw

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031
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